

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORKEMERY MUKENDI WAFANA &  
ASSOCIATES, P.C.,

Plaintiff,

-against-

DANIEL MENGARA

Defendant.

**ORDER****20-CV-9788 (VEC) (KHP)****KATHARINE H. PARKER, United States Magistrate Judge.**

The Court is in receipt of a letter from defense counsel requesting clarification on his right to interplead. By order (ECF No. 51.), dated June 11, 2021, and in accordance with the Court's directions from the case management conference held on May 26, 2021, the defendant is not precluded from bringing a motion to interplead. Because Plaintiff indicated a desire to amend the complaint at the last conference, the Court instructed the Plaintiff to file its amended pleading, after which the Court would address interpleader.

However, given the Defendant's application at ECF 40, which the Court notes was not properly filed as a motion, the Court will nonetheless treat that application as a motion. Plaintiff is directed to file a response to ECF 40 by no later than July 2, 2021. Plaintiff also shall address in his filing this Court's jurisdiction over any other party Defendant claims has a stake in the website at issue and whether such other party is a necessary party within the meaning of F.R.C.P. 19 and whether such joinder would deprive the Court of subject matter jurisdiction.

**SO ORDERED.**

Dated: New York, New York  
June 17, 2021

*Katharine H. Parker*

KATHARINE H. PARKER  
United States Magistrate Judge